3:Stern E-4,5 (1949-1957) 1965 NR 10 Klamath NR 10

[Klamath Reservation]

As for the deposed Monchnkasgitk, his place was promptly filled by the election of one "Barcley." Despite the rebuff, Monchnkasgitk rose again in time to the position of subchief at Yainax, where he came to be known as Moses Brown.[17]

The major election had removed from immediate power one who had obstructed Agency-sponsored reforms, but had left the membership of the lesser chieftaincies intact. It is clear that administration policy held that representation by a chief was adequate to secure the interests of a band. Thus, in 1871, when John Meacham found the lot of the slaves little improved his remedy was to authorize them to elect a chief "to represent them in the councils and courts of the tribes."[18] In the political order thus established, the chiefs had been displaced from an executive role to constitute a court, while a sheriff, chosen from among the Indians, together with constables, one per chief, were to maintain order. Chiefs, somewhat extralegally, soon began to assume magisterial functions.

It took some time to make the court aware of the bounds within which it ought to operate. John Meacham noted in his charges "an excessive disposition to go to law," and remarked, "I have counciled [sic] the board of chiefs against this, especially against making arrests for trifling offenses or for *no* offence at all, advising them that the object of the law is to *protect* the people and not to *oppress* them."[19] Soon thereafter, he reduced the court to a membership of only seven chiefs and set its sessions at monthly intervals.[20]

As outlined by Dave Hill, one of the members of the court, the list of offenses combined crimes against the person (murder, adultery, stealing, fornication, witchcraft, and fighting), those against property (arson), together with what can only be considered redefinitions of customary procedure. Thus, cremation of the dead was enjoined and the license permitted a chief in dealing with his followers was severely circumscribed. Marriages were to be confirmed before the principal chief, who was to receive a fee; the bride price was not to be returned on the desertion of the husband; while the court might order the separation of an irreconcilable couple. Monogamy alone was permissible.[21]

Thus, not only were the chiefs given new and different powers,